

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JASON FETTERHOFF,

Plaintiff,

v.

KILOLO KIJAKAZI,  
*Acting Commissioner of Social  
Security,*

Defendant.

No. 4:22-CV-00626

(Chief Judge Brann)

(Magistrate Judge Arbuckle)

**ORDER**

**SEPTEMBER 27, 2023**

Jason Fetterhoff filed this action seeking review of a decision of the Acting Commissioner of Social Security (“Commissioner”) denying Fetterhoff’s claim for social security disability benefits.<sup>1</sup> In July 2023, Magistrate Judge William I. Arbuckle issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.<sup>2</sup>

Fetterhoff filed timely objections to the Report and Recommendation.<sup>3</sup> In his objections, Fetterhoff contends that Magistrate Judge Arbuckle erred in concluding that: (1) the administrative law judge (“ALJ”) correctly evaluated Fetterhoff’s behavior during clinical visits; (2) the ALJ properly rejected the opinion of Ahmed

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<sup>1</sup> Docs. 1, 15.

<sup>2</sup> Doc. 20.

<sup>3</sup> Doc. 23.

Kneifati, M.D.; and (3) the evidence presented to the appeals counsel was not material.<sup>4</sup>

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”<sup>5</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.<sup>6</sup> Upon *de novo* review of the record, the Court finds no error in Magistrate Judge Arbuckle’s conclusion that, as a whole, the Commissioner’s decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge William I. Arbuckle’s Report and Recommendation (Doc. 20) is **ADOPTED**;
2. The Commissioner’s decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Fetterhoff pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);  
and

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<sup>4</sup> *Id.*

<sup>5</sup> *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>6</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge